

REMARKS

Status of the Application

Claims 1-4 and 6-15 have been examined.

With this Amendment, Applicant amends claims 1, 3, and 6-13, and cancels claims 2 and 4. Applicant respectfully submits that the amended claims are fully supported by the disclosure. No new matter has been added.

After entry of this Amendment, claims 1, 3, and 6-15 will be pending in the application.

Summary of Substance of Interview

Applicant thanks the Examiner the courteous and productive telephonic interview conducted on July 21, 2009.

During the interview, Applicant's representative explained that the Toyama and Connors references do not disclose or suggest user-designated priority and non-priority primary play candidate game data. The Examiner suggested that claim amendments which better define priority and non-priority data and how it is prioritized should overcome the cited prior art. The Examiner also stated that a Request for Continued Examination (RCE) would be required to enter an Amendment and that further search and consideration would be required.

The § 101 rejection of claim 7 was also discussed. The Examiner agreed the claim was directed to statutory subject matter and agreed to withdraw the § 101 rejection of claim 7.

Claim Rejections

Claim 7 --- 35 U.S.C. § 101

Claim 7 is rejected under 35 U.S.C. § 101 as allegedly being directed to nonstatutory subject matter. Applicant respectfully submits that claim 7 recites a “non-volatile storage device” and as such is directed to statutory subject matter. As noted above in the Summary of Substance of Interview, the Examiner has agreed to withdraw the § 101 rejection of claim 7.

Claims 1-4 and 6-15 --- 35 U.S.C. § 103(a)

Claims 1-4 and 6-15 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,820,265 to Stamper *et al.* ("Stamper") in view of U.S. Pat. Pub. No. 2001/0034267 to Toyama *et al.* ("Toyama"), and further in view of U.S. Patent No. 6,338,680 to Connors ("Connors"). Applicant has amended claims 1, 3, and 6-13 and respectfully submits that the amended claims would not have been rendered obvious by the cited references. Claims 4 and 5 have been canceled without prejudice or disclaimer thereby rendering their rejections moot.

Addressing claim 1, the combination of Stamper, Toyama and Connors does not disclose or suggest at least a game device comprising “means for *storing one or more game data corresponding to said one or more primary game data names*, as primary game data, *in a priority region or a non-priority region of the at least one primary data file based on user selection, and storing said one or more primary game data names in a primary data name information region* of the at least one primary data file; primary data collective reading means for *collectively reading out the priority region and the primary data name information region*

of the primary data file, *and storing the priority region and the primary data name information region of the primary data file in main memory*” and “target data acquisition means for *acquiring game data relating to said one or more selected target data names* as target data *from the priority region* of the primary data file *stored in the main memory if game data relating to said one or more selected target data names is stored in the priority region* of the primary data file, and *acquiring game data relating to said one or more selected target data names* as target data *from the non-priority region* of the primary data file *stored in the primary data storage means if game data relating to said one or more selected target data names is stored in the non-priority region* of the primary data file,” as recited in the claim.

The Examiner relies on Stamper to allegedly disclose the above-noted features related to saving and retrieving priority and non-priority primary game data and primary game data names, and construes the priority and non-priority data as "nothing but a flag or a name for the saved data for easy retrieval at a later time," which is disclosed by both Toyama and Connors. Further, the Examiner alleges that both Toyama and Connors disclose that data can be saved by graphical icon for easy retrieval, and that Connors provides a data saving management system providing options to browse, search or flag data.

Applicant respectfully submits that even if the references provide the disclosure alleged by the Examiner, the cited references do not disclose or suggest the features related to saving and retrieving priority and non-priority primary game data and primary game data names as recited in the claims.

Embodiments of the present invention provide apparatuses and methods which allow a player or players to name and save data related to playing a video game, designate saved game

data as priority or non-priority game data, and subsequently recall the desired data by name in order to play the game using the desired game related data. Priority game data is read into main memory while non-priority game data is stored in the primary data storage means. The prioritization provides easy identification and selection of frequently used data and faster access to the data even when a large number of named game related data files have been saved.

Stamper, on the other hand, is directed to a system and method for sharing data between separately executable video games (column 1, lines 7-10), for example, a video game and subsequent versions of the video game (column 1, lines 33-48). As disclosed by Stamper, a first program is executed, and information pertaining to the first program is stored in memory (column 4, lines 6-15). Subsequently, a second program being executed queries for shareable information (column 4, lines 41-44). The second program includes logic for retrieving information previously stored by the first program (column 5, lines 2-4). In other words, Stamper discloses only a method of sharing information related to playing parameters gained by a user from playing a game program with a subsequent version of the same game program.

Stamper, however, is silent as to storing one or more game data corresponding to said one or more primary game data in a priority region or a non-priority region of at least one primary data file based on user selection, and storing said one or more primary game data names in a primary data name information region of the at least one primary data file, collectively reading out the priority region and the primary data name information region of the primary data file, and storing the priority region and the primary data name information region of the primary data file in main memory and acquiring game data relating to said one or more selected target data names from the priority region of the primary data file stored in the main memory if game data relating

to said one or more selected target data names is stored in the priority region of the primary data file, and acquiring game data relating to said one or more selected target data names from the non-priority region of the primary data file stored in the primary data storage means if game data relating to said one or more selected target data names is stored in the non-priority region of the primary data file, as required by the claim. Neither Toyama nor Connors, individually or in combination, cures the deficiencies of Stamper.

Toyama is directed to a video game in which a player strategically trains a game character, for example, a baseball player. See Abstract. Figures 14-16 cited by the Examiner disclose only a registration process for creating new player characters (paragraphs [0121-0123]). Thus, Toyama discloses only saving various parameters of the game for continued use.

The Examiner also alleges that "priority data is merely a customization feature or an added design choice how the data will be displayed on the screen to retrieve." Applicant respectfully submits that user-designated priority and non-priority data is a feature which is ***not disclosed at all*** by Toyama, and is therefore not merely a design choice, since Toyama does not disclose or suggest any such prioritization.

Similarly, Connors does not disclose or suggest the above-noted features of the exemplary embodiments of the present invention. Connors is directed to a system for transferring "game saves," *i.e.*, information relating to a particular state of a game, between a game system memory card and a personal computer. The game saves may also be edited after transfer to the personal computer (column 1, lines 6-14). As disclosed by Connors, ***the contents of a video game*** that has been transferred to the personal computer may be edited by a user, saved in a hard disk of the computer, and subsequently transferred back to a game system

memory card (column 8, line 19-column 9, line 22; column 10, lines 41-46). However, Connors does not disclose or suggest the above-noted features related to saving and retrieving priority and non-priority primary game data and primary game data names as recited in the claims as required by claim 1.

In view of the above, Applicant respectfully submits that the combined references fail to disclose or suggest at least a game device comprising “means for storing one or more game data corresponding to said one or more primary game data names, as primary game data, in a priority region or a non-priority region of the at least one primary data file based on user selection, and storing said one or more primary game data names in a primary data name information region of the at least one primary data file; primary data collective reading means for collectively reading out the priority region and the primary data name information region of the primary data file, and storing the priority region and the primary data name information region of the primary data file in main memory” and “target data acquisition means for acquiring game data relating to said one or more selected target data names as target data from the priority region of the primary data file stored in the main memory if game data relating to said one or more selected target data names is stored in the priority region of the primary data file, and acquiring game data relating to said one or more selected target data names as target data from the non-priority region of the primary data file stored in the primary data storage means if game data relating to said one or more selected target data names is stored in the non-priority region of the primary data file,” as recited in claim 1.

Accordingly, claim 1 is patentable over the combination of Stamper, Toyama and Connors since the combined references fail to disclose or suggest all of the claimed features.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Appln. No.: 10/504,821

Attorney Docket No.: Q82677

Claims 6-9, 10 and 13 contain features similar to the features recited in claim 1 and are therefore patentable for similar reasons. Claims 3, 11, 12, 14 and 15 are patentable at least by virtue of their dependencies from one of claims 1, 10 and 13.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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